IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Bail Appl..No. 1390 of 2007

CRA.204/2007 of DISTRICT COURT, THODUPUZHA
CRIME NO.331/2006 OF SANTHANPARA POLICE STATION

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: PETITIONERS/ACCUSED:

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1. BIJU, S/O.DEVASSIA,
   AGED 25 YEARS, KULANGARAMURIYIL HOUSE,
   CHIRAKKADAVU KARA, KANJIRAPPALLY VILLAGE.

2. P.V. THOMAS, S/O.VARGHESE,
   AGED 52 YEARS, VANDANPATHAL BHAGAM,
   MUNDAKKAYAM VILLAGE, KANJIRAPPALLY TALUK.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
SANTHANPARA, IDUKKI DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1390/2007

Dated this 7th day of March, 2007

O R D E R

The petitioners, who are accused Nos.1 and 2 in Crime No.331/2006 of Santhampara Police Station registered for an offence punishable under Section 8(2) of the Abkari Act (the appropriate offence which is seen attracted is one punishable under Section 55(a) of the Abkari Act), for allegedly having been found transporting 1000 litres of rectified spirit in a Qualis Car on 19.12.2006 and who surrendered on 4.1.2007 and were remanded to judicial custody, seek their enlargement on bail.

2. The learned Public Prosecutor opposed the application submitting inter alia that the final report in the case had already been laid on 20.1.2007.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioners on bail.

The application is accordingly dismissed.

V.RAMKUMAR,
JUDGE

mrcs